



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------|------------------|
| 10/632,246 | 08/01/2003 | Randall Gene Lynch | | 3307 |
| 7590 Randall G. Lynch 2018 Woven Trail Lewisville, TX 75067 | | 04/12/2007 | EXAMINER NGUYEN, CUNG Q | |
| | | | ART UNIT 2609 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 04/12/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

| | | | |
|-----------------|-------------|--------------|--------------|
| Application No: | 10/632,246 | Applicant(s) | LYNCH ET AL. |
| Examiner | Cung Nguyen | Art Unit | 2609 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 August 2003.
2a) This action is FINAL. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-8 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

Acknowledge this application has claimed a domestic priority date of 08/02/2002 on a provisional application 60400470 filed by the same inventors.

1. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b). Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claims 1, 5 are objected to because of the following informalities:

In claim 1 line 28, the phrase "the location" should be changed to "a location" to improve the clarity of the claim language.

In claim 5 line 1, the phrase "a Reader Station Antenna" should be changed to "the Antenna" as claim 5 is a dependent claim of claim 1, where an Antenna is identified in the element of a sector Reader Station, to improve the clarity of the claim language. In addition, on line 2, the phrase "a boundary of a sector within an area" should be changed to "the boundary of a sector of the area" as in claim 1, this element has been recited, to improve the clarity of the claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites at the beginning the limitation of the "Asset Identification Data" associated with a mobile asset and the "Identification Data" associated with the RFID transponder. Later on line 9, 13, 14, and 16, the phrase "Asset Identification Data and the Identification Data associated with the RFID transponder" appears to combine the two types of Identification Data together onto the RFID transponder. Furthermore, on line 19, the phrase "a boundary of a sector of the area" is singular whereas on line 28, the phrase "one or more sectors of the area" is plural. It is unclear as to how many sectors there are and if there is a relationship

of a sector Reader Station corresponding to a boundary of a sector, when a display board display one or more sectors, it appears that one may need more than one sector Reader Stations. Appropriate correction is required.

Any claims not specifically addressed above, are being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frieden (U.S. Patent 6,144,301), and further in view of Anthonyson (U.S. Patent 5,737,710) and Brady et al (U.S. Patent 6,249,227).

In claim 1, Frieden discloses:

A system for tracking mobile assets (Title tracking tag) where it contains an asset tag includes an RFID transponder (column 1 line 44 RFID transponder) that includes an identification data (column 1 line 48 identification tag) and asset identification data (column 2 line 35 asset identification tracking).

A sector reader station (column 2 line 38 RFID reader unit) and a display board (column 2 line 38 where the information inherently displayed to operators).

Frieden discloses all elements above except for the host system and a database that can correlate the asset identification data of the mobile asset and the identification tag of the transponder. In addition Frieden does not disclose the system interaction console that communicate with the host system and an antenna that is associated with a boundary of a sector of the area. Anthonyson discloses the host system (column 2 line 33) and a database (column 2 line 39). He also discloses how the vehicle identification being compared to the database that contains a complete list of identification information (column 2 line 38). He also discloses the system interaction console (column 6 line 22 where the host computer 112 will typically be a computer such as a 486/33 (or higher) running OS/2.TM. or other operating system, a keyboard, a mouse, and including a VGA monitor). Brady discloses the antenna (column 3 line 63).

The general concept of providing the host system and a database that can correlate the asset identification data of the mobile asset and the identification tag of the transponder is well known in the art, as disclosed by Anthonyson.

The general concept of providing a system interaction console that can communicate with the host system is well known in the art, as disclosed by Anthonyson.

The general concept of providing the antenna is well known in the art, as disclosed by Brady.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frieden to include the host system, the database by Anthonyson, in order to effectively provide a parking system having a central facility coupled to and monitoring a plurality of satellite parking facilities, i.e. asset tracking cars parked in any of these parking facilities as stated in Anthonyson column 2 line 19.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frieden to include the system interaction console by Anthonyson, in order to allow personnel at the gate to take the ticket, calculate the cost, and collect the parking fee, as stated in Anthonyson column 3 line 42.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frieden to include the antenna by Brady, in order to employ RFID technology to store and provide information about assets to provide functions such as assuring security, inventory tracking, and identification of assets as stated in Brady column 3 line 35.

In claim 2, Friden and further in view of Anthonyson and Brady disclose all elements above. Frieden further discloses in column 3 line 48 where it is a feature to insert the electronic transponder into the body of the tracking tag just prior to the body being attached to the physical asset. A physical asset can be anything that can be on a human and the tracking tag can attach the body at a lower extremity of the human (column 3 line 60 the

tag may be attached at an increased number of desirable locations on the physical asset.)

In claim 3, Friden and further in view of Anthonyson and Brady disclose all elements above. Furthermore, Frieden discloses a piece of equipment (column 3 line 47 electronic transponder) and the asset tag is attached to the lower portion of the piece of equipment (column 3 line 60 the tag may be attached at an increased number of desirable locations on the physical asset.)

In claim 4, Friden and further in view of Anthonyson and Brady disclose all elements above. Furthermore, Frieden discloses the piece of equipment is an undercarriage (column 2 line 48 the identification tag includes a plastic material body, a drawer for insertion into a cavity within the body, and a transponder supported on the drawer.)

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frieden (U.S. Patent 6,144,301), Anthonyson (U.S. Patent 5,737,710) and Brady et al (U.S. Patent 6,249,227), and further in view of Landt (U.S. Patent 4,888,591)

In claim 5, Friden, Anthonyson and Brady disclose all elements above except a reader station antenna is a cross a pathway to create a boundary of a sector within an area. Landt discloses in column 1 line 42 that an antenna location and orientation has been carefully chosen to maximize the amplitude of the return signal from the desired tag location. For

example, antennas can be spaced far enough apart to avoid interference.

The general concept of providing the antenna determines a pathway to create a boundary is well known in the art as disclosed in Landt in column 1 line 42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frieden, Anthonyson, and Brady to include the antenna determining a pathway to create a boundary, in order to maximize the reception of the receiver sensitivity to received signal from the desired tag reading area and minimize it from other areas as stated in column 1 line 47.

8. Claims 6 - 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frieden (U.S. Patent 6,144,301), Anthonyson (U.S. Patent 5,737,710) and Brady et al (U.S. Patent 6,249,227), and further in view of Maynard (U.S. Patent 5,949,335)

In claims 6 - 8, Frieden, Anthonyson and Brady disclose all elements above except that a reader station identification data is a unique value (claim 6), is a port address (claim 7), and is a predefined variable stored within the reader station (claim 8). Maynard discloses in column 1 line 52 where the first set of data is uniquely identify the transponder tag (unique value), in column 1 line 59 where a computer network assets can include processors, workstations, monitors, printers, scanners, and network servers (port address of the devices), and in column 1 line 55 where the

data can be written by the manufacturer of the transponder tag and can be permanently stored (predefined variable stored within the reader station.)

The general concept of providing unique identification for the transponder tag is well known in the art as disclosed by Maynard (column 1 line 52 unique identification for the transponder tag).

The general concept of providing port addresses for network devices is well known in the art as disclosed by Maynard (column 1 line 59 computer network assets).

The general concept of providing a predefined variable stored is well known in the art as disclosed by Maynard (column 1 line 55 data can be written by the manufacturer of the transponder tag and permanently stored).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frieden, Anthonyson, and Brady to include unique identification for the transponder tag as disclosed by Maynard, in order to effectively prevent and detect theft throughout the supply chain, which can deny unauthorized access to both product use and information as stated in column 1 line 20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frieden, Anthonyson, and Brady to include port addresses or any network related addresses as disclosed by Maynard, in order to effectively prevent and detect theft throughout the

supply chain, which can deny unauthorized access to both product use and information as stated in column 1 line 20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Frieden, Anthonyson, and Brady to include a predefined variable stored as disclosed by Maynard, in order to effectively prevent and detect theft throughout the supply chain, which can deny unauthorized access to both product use and information as stated in column 1 line 20.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cung Nguyen whose telephone number is 571-270-1596. The examiner can normally be reached on Mon through Fri; 7AM - 4:30PM; alternate Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CN
April 3, 2007

Supervisory Patent Examiner
Frantz Jules

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Frantz Jules". Above the signature, the name "FRANTZ JULES" is printed in capital letters, followed by "SUPERVISORY PATENT EXAMINER" on a separate line.